
Written Statement Submitted by the International Federation on Ageing (IFA)

11th Session of the United Nations Open-ended Working Group on Ageing

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As an international non-governmental organization whose membership base comprises government, civil society, industry, academia and individuals, the International Federation on Ageing (IFA) appreciates the opportunity to provide a written statement at the 11th Session of the United Nations Open-ended Working Group on Ageing towards the focus area: access to justice.

Access to justice in later life is an essential prerequisite for the realization of all human rights, a notion that is anchored in the Universal Declaration of Human Rights.¹ The Convention on the Rights of Persons with Disabilities has provisions to protect equal access to justice, but age is not a disability.² Moreover, the International Covenant on Civil and Political Rights has provisions to ensure that in times of public emergencies, such as a global pandemic for instance, there is no discrimination based on race, colour, sex, language, religion or social origin – age is not covered.³ There are currently no existing provisions to guarantee access to justice for the over 1 billion older people aged 60 years or more.⁴

Throughout the COVID-19 pandemic, and well before, older people have been effectively relegated to positions of inferiority and vulnerability based on chronological age. This is called ageism and it is a pervasive form of discrimination and infringement on human rights. Having the agency to advocate for one's human rights through access to justice and legal frameworks is now paramount considering the disproportionately severe impact of pandemic measures leading to greater incidences of violence against older persons; physical, emotional, financial, and sexual abuses; and mental health challenges exacerbated by isolation and psychosocial traumas.

The appalling mortality statistics within residential facilities show failures of policy and practice in ensuring fundamental human rights to life and health, and also to dignity in death.⁵ Prohibitive visitation policies within residential facilities impacted the fundamental right to make decisions – personal life decisions, health care decisions, and financial and property decisions by restricting access to legal services regarding supported decision-making, advance care planning with family members and caregivers, and determination of capacity.⁵

Autonomy, dignity and justice in later life require formal acknowledgment through a legally binding instrument to ensure the ability of older people to make personal life decisions, health care decisions, and financial and property decisions. Within the context of the United Nations Decade of Healthy Ageing 2021-2030 IFA is honoured to have the opportunity to work alongside Member States to advocate for the rights of older people towards tackling the pervasive discrimination and stigmatization known as ageism. The rights of older people are human rights which must be respected and protected.

¹ United Nations General Assembly. (1948). Universal declaration of human rights (217 [III] A). Paris, France. Available at: <https://bit.ly/2Or6WJf>

² United Nations General Assembly. (2007). Convention on the Rights of Persons with Disabilities (A/RES/61/106). Available at: <https://bit.ly/2MOboBs>

³ United Nations General Assembly. (1966). International Covenant on Civil and Political Rights (2200 [XXI] A). Available at: <https://bit.ly/30n9vyj>

⁴ World Health Organization. (2020). Decade of healthy ageing: baseline report. Geneva, Switzerland. Licence: CC BY-NC-SA 3.0 IGO. Available at: <https://bit.ly/3kPE9u7>

⁵ Peisah, C., *et al.* (2020). Advocacy for the human rights of older people in the COVID pandemic and beyond: a call to mental health professionals. *International Psychogeriatrics*, 1-6. doi: [10.1017/S1041610220001076](https://doi.org/10.1017/S1041610220001076)